

1 EDMUND G. BROWN JR.,
Attorney General of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 MICHAEL S. COCHRANE, State Bar No. 185730
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2074
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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10 **BEFORE THE**
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 1H-2007-659

13 CHRISTOPHER MATTHEW SINGLETON
13933 Frederick Street, Apt. #A
14 Moreno Valley, CA 92553

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Stephanie Nunez (Complainant) is the Executive Officer of the
21 Respiratory Care Board of California. She brought this action solely in her official capacity and
22 is represented in this matter by Edmund G. Brown, Jr., Attorney General of the State of
23 California, by Michael S. Cochrane, Deputy Attorney General.

24 2. Respondent Christopher Matthew Singleton (respondent) is representing
25 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about October 26, 2007, respondent filed an application for a
27 Respiratory Care Practitioner License dated October 20, 2007, with the Board of Respiratory
28 Care (Board). On July 31, 2008, the Board denied that application, and respondent requested a

1 hearing on the denial in a letter dated August 25, 2008.

2 JURISDICTION

3 4. On October 9, 2008, Statement of Issues No. 1H-2007-659 was filed
4 before the Board, and is currently pending against respondent. A true and correct copy of the
5 Statement of Issues and all other statutorily required documents were properly served on
6 respondent on October 9, 2008. A true and correct copy of Statement of Issues No. 1H-2007-659
7 is attached as Exhibit A and is incorporated herein by reference as if fully set forth herein.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Statement of Issues No. 1H-2007-659. Respondent has also carefully read, and understands
11 the effects of this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Statement of Issues; the right to be
14 represented by counsel at his own expense; the right to confront and cross-examine the witnesses
15 against him; the right to present evidence and to testify on his own behalf; the right to the
16 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
17 the right to reconsideration and court review of an adverse decision; and all other rights accorded
18 by the California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Statement of Issues No. 1H-2007-659.

24 9. Respondent agrees that his application for a Respiratory Care Practitioner
25 License is subject to denial and agrees to be bound by the Board's imposition of discipline as set
26 forth in the Disciplinary Order below.

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11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Board, in its discretion, does not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for any reason, respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

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13. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original documents and signatures and, further, that facsimile copies shall have the same force and effect as originals.

1 In consideration of the foregoing admissions and stipulations, the parties agree the
2 Board may, without further notice to or opportunity to be heard by respondent, issue and enter
3 the following Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that a Respiratory Care Practitioner License is
6 granted to Christopher Matthew Singleton, however, the license shall be and hereby is
7 immediately revoked, the revocation is stayed and respondent is placed on probation for three (3)
8 years with the following terms and conditions.

9 **1. WORK SCHEDULES**

10 Respondent shall be required to submit to the probation monitor work schedules
11 on a weekly/monthly basis for the length of probation. Respondent shall ensure the Board has a
12 copy of his current work schedule at all times for each place of employment.

13 Failure to submit current work schedules on a continuous basis shall constitute a
14 violation of probation and shall result in the filing of an accusation and/or a petition to revoke
15 probation against respondent's respiratory care practitioner license.

16 **2. ABSTENTION FROM USE OF ANY AND ALL MOOD ALTERING**
17 **SUBSTANCES**

18 Respondent shall completely abstain from the possession or use of alcohol,
19 marijuana, controlled substances, dangerous drugs, and any and all other mood altering drugs,
20 substances and their associated paraphernalia, except when the drugs are lawfully prescribed by a
21 licensed practitioner as part of a documented medical treatment.

22 Respondent shall execute a release authorizing the release of pharmacy and
23 prescribing records as well as physical and mental health medical records. Respondent shall also
24 provide information of treating physicians, counselors or any other treating professionals as
25 requested by the Board.

26 Respondent shall ensure that he is not in the presence of or in the same physical
27 location as individuals who are using illegal substances, even if respondent is not personally
28 ingesting the drug(s).

1 Any positive result that registers over the established laboratory cutoff level shall
2 constitute a violation of probation and shall result in the filing of an accusation and/or a petition
3 to revoke probation against respondent's respiratory care practitioner license.

4 Respondent also understands and agrees that any positive result that registers over
5 the established laboratory cutoff level shall be reported to each of respondent's employers.

6 **3. BIOLOGICAL FLUID TESTING**

7 Respondent, at his expense, shall participate in random testing, including, but not
8 limited to, biological fluid testing (i.e. urine, blood, saliva), breathalyzer, hair follicle testing, or a
9 drug screening program approved by the Board. Test costs range from \$21.00 to \$200.00 each.
10 The length of time shall be for the entire probation period. The frequency and location of testing
11 will be determined by the Board.

12 At all times, respondent shall fully cooperate with the Board or any of its
13 representatives, and shall, when directed, appear for testing as requested and submit to such tests
14 and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other
15 controlled substances.

16 If respondent is unable to provide a specimen in a reasonable amount of time from
17 the request, while at the work site, respondent understands that any Board representative may
18 request from the supervisor, manager or director on duty to observe respondent in a manner that
19 does not interrupt or jeopardize patient care in any manner until such time respondent provides a
20 specimen acceptable to the Board.

21 Failure to submit to testing or appear as requested by any Board representative for
22 testing, as directed shall constitute a violation of probation and shall result in the filing of an
23 accusation and/or a petition to revoke probation against respondent's Respiratory Care
24 Practitioner License.

25 **4. RESTRICTION OF PRACTICE**

26 Respondent is prohibited from working in home care unless it is under direct
27 supervision and personal observation. Respondent further may not be employed or function as a
28 member of a respiratory care management or supervisory staff during the entire length of

1 probation. This includes lead functions.

2 **5. SUPERVISOR QUARTERLY REPORTS**

3 Supervisor Quarterly Reports of Performance are due for each year of probation
4 and the entire length of probation from each employer, as follows:

5 For the period covering January 1st through March 31st, reports are to be
6 completed and submitted between April 1st and April 7th. For the period covering April 1st
7 through June 30th, reports are to be completed and submitted between July 1st and July 7th. For
8 the period covering July 1st through September 30th, reports are to be completed and submitted
9 between October 1st and October 7th. For the period covering October 1st through December 31st,
10 reports are to be completed and submitted between January 1st and January 7th.

11 Respondent is ultimately responsible for ensuring his employer(s) submits
12 complete and timely reports. Failure to ensure each employer submits complete and timely
13 reports shall constitute a violation of probation.

14 **6. OBEY ALL LAWS**

15 Respondent shall obey all laws, whether federal, state, or local. Respondent shall
16 also obey all regulations governing the practice of respiratory care in California.

17 Respondent shall notify the Board in writing within 14 days of any incident
18 resulting in his arrest, or charges filed against, or a citation issued against respondent.

19 **7. QUARTERLY REPORTS**

20 Respondent shall file quarterly reports of compliance under penalty of perjury, on
21 forms to be provided to the probation monitor assigned by the Board. Omission or falsification
22 in any manner of any information on these reports shall constitute a violation of probation and
23 shall result in the filing of an accusation and/or a petition to revoke probation against
24 respondent's respiratory care practitioner license.

25 Quarterly report forms will be provided by the Board. Respondent is responsible
26 for contacting the Board to obtain additional forms if needed. Quarterly reports are due for each
27 year of probation and the entire length of probation as follows:

28 For the period covering January 1st through March 31st, reports are to be

completed and submitted between April 1st and April 7th. For the period covering April 1st through June 30th, reports are to be completed and submitted between July 1st and July 7th. For the period covering July 1st through September 30th, reports are to be completed and submitted between October 1st and October 7th. For the period covering October 1st through December 31st, reports are to be completed and submitted between January 1st and January 7th.

Failure to submit complete and timely reports shall constitute a violation of probation.

8. PROBATION MONITORING PROGRAM

Respondent shall comply with requirements of the Board appointed probation monitoring program, and shall, upon reasonable request, report to or appear to a local venue as directed.

Respondent shall claim all certified mail issued by the Board, respond to all notices of reasonable requests timely, and submit Annual Reports, Identification Update reports or other reports similar in nature, as requested and directed by the Board or its representative.

Respondent is encouraged to contact the Board's Probation Program at any time he has a question or concern regarding his terms and conditions of probation.

Failure to appear for any scheduled meeting or examination, or cooperate with the requirements of the program, including timely submission of requested information, shall constitute a violation of probation and will result in the filing of an accusation and/or a petition to revoke probation against respondent's respiratory care practitioner license.

9. PROBATION MONITORING COSTS

All costs incurred for probation monitoring during the entire probation shall be paid by the respondent. The monthly cost may be adjusted as expenses are reduced or increased. Respondent's failure to comply with all terms and conditions may also cause this amount to be increased.

All payments for costs are to be sent directly to the Respiratory Care Board and must be received by the date(s) specified. Periods of tolling will not toll the probation monitoring costs incurred.

1 If respondent is unable to submit costs for any month, he shall be required instead
2 to submit an explanation of why he is unable to submit the costs, and the date(s) he will be able
3 to submit the costs including payment amount(s). Supporting documentation and evidence of
4 why the respondent is unable to make such payment(s) must accompany this submission.

5 Respondent understands that failure to submit costs timely is a violation of
6 probation and submission of evidence demonstrating financial hardship does not preclude the
7 Board from pursuing further disciplinary action. However, respondent understands providing
8 evidence and supporting documentation of financial hardship may delay further disciplinary
9 action.

10 In addition to any other disciplinary action taken by the Board, an unrestricted
11 license will not be issued at the end of the probationary period and the respiratory care
12 practitioner license will not be renewed, until such time all probation monitoring costs have been
13 paid.

14 The filing of bankruptcy by respondent shall not relieve the respondent of his
15 responsibility to reimburse the Board for costs incurred.

16 **10. EMPLOYMENT REQUIREMENT**

17 Respondent shall be employed a minimum of twenty-four (24) hours per week as
18 a respiratory care practitioner for a minimum of two-thirds (2/3) of his probation period.

19 Respondent may substitute successful completion of a minimum of thirty (30)
20 additional continuing education hours, beyond that which is required for license renewal, for
21 each eight (8) months of employment required. Respondent shall submit proof to the Board of
22 successful completion of all continuing education requirements. Respondent is responsible for
23 paying all costs associated with fulfilling this term and condition of probation.

24 **11. NOTICE TO EMPLOYER**

25 Respondent shall be required to inform his employer, and each subsequent
26 employer during the probation period, of the discipline imposed by this decision by providing his
27 supervisor and director and all subsequent supervisors and directors with a copy of the decision
28 and order, and the Statement(s) of Issues or Accusation(s) in this matter prior to the beginning of

1 or returning to employment or within fourteen (14) days from each change in a supervisor or
2 director.

3 If respondent is employed by or through a registry [and is not restricted from
4 working for a registry], respondent shall make each hospital or establishment to which he is sent
5 aware of the discipline imposed by this decision by providing his direct supervisor and
6 administrator at each hospital or establishment with a copy of this decision, and the Statement of
7 Issues in this matter prior to the beginning of employment. This must be done each time there is
8 a change in supervisors or administrators.

9 The employer will then inform the Board, in writing, that he is aware of the
10 discipline, on forms to be provided to the respondent. Respondent is responsible for contacting
11 the Board to obtain additional forms, if needed. All reports completed by the employer must be
12 submitted from the employer directly to the Board.

13 Respondent shall execute a release authorizing the Board or any of its
14 representatives to review and obtain copies of all employment records and discuss and inquire of
15 the probationary status with any of respondent's supervisors or directors.

16 **12. CHANGES OF EMPLOYMENT OR RESIDENCE**

17 Respondent shall notify the Board, and appointed probation monitor, in writing, of
18 any and all changes of employment, location, and address within fourteen (14) days of such
19 change. This includes, but is not limited to, applying for employment, termination or resignation
20 from employment, change in employment status, change in supervisors, administrators or
21 directors.

22 Respondent shall also notify his probation monitor AND the Board IN WRITING
23 of any changes of residence or mailing address within fourteen (14) days. P.O. Boxes are
24 accepted for mailing purposes, however the respondent must also provide his physical residence
25 address as well.

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1 **13. SURRENDER OF LICENSE**

2 Following the effective date of this decision, if respondent ceases practicing due
3 to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of
4 probation, he may request the voluntary surrender of his license. The Board reserves the right to
5 evaluate respondent's request and to exercise its discretion whether or not to grant the request or
6 to take any other action deemed appropriate and reasonable under the circumstances. Upon
7 formal acceptance of the surrender, within fifteen (15) calendar days respondent shall deliver his
8 wallet and wall certificate to the Board or its designee and he shall no longer practice respiratory
9 care. Respondent will no longer be subject to the terms and conditions of probation and the
10 surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for
11 a respiratory care license, the application shall be treated as a petition for reinstatement of a
12 revoked license.

13 **14. COST RECOVERY**

14 Respondent shall pay to the Board a sum not to exceed the costs of the
15 investigation and prosecution of this case. That sum shall be \$2,133, and shall be paid in full
16 directly to the Board, in equal quarterly payments, within twenty-four (24) months from the
17 effective date of this decision. Cost recovery will not be tolled.

18 If respondent is unable to submit costs timely, he shall be required instead to
19 submit an explanation of why he is unable to submit these costs in part or in entirety, and the
20 date(s) he will be able to submit the costs including payment amount(s). Supporting
21 documentation and evidence of why the respondent is unable to make such payment(s) must
22 accompany this submission.

23 Respondent understands that failure to submit costs timely is a violation of
24 probation, and submission of evidence demonstrating financial hardship does not preclude the
25 Board from pursuing further disciplinary action. However, respondent understands that
26 providing evidence and supporting documentation of financial hardship may delay further
27 disciplinary action.

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1 Consideration to financial hardship will not be given should respondent violate
2 this term and condition, unless an unexpected AND unavoidable hardship is established from the
3 date of this order to the date payment(s) is due.

4 The filing of bankruptcy by the respondent shall not relieve the respondent of his
5 responsibility to reimburse the Board for these costs.

6 **15. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE**

7 Periods of residency or practice outside California, whether the periods of
8 residency or practice are temporary or permanent, will toll the probation period, but will not toll
9 the cost recovery requirement, nor the probation monitoring costs incurred. Travel out of
10 California for more than thirty (30) days must be reported to the Board in writing prior to
11 departure. Respondent shall notify the Board, in writing, within fourteen (14) days, upon his
12 return to California and prior to the commencement of any employment where representation as a
13 respiratory care practitioner is/was provided.

14 **16. VALID LICENSE STATUS**

15 Respondent shall maintain a current, active and valid license for the length of the
16 probation period. Failure to pay all fees and meet Continuing Education requirements prior to
17 his license expiration date shall constitute a violation of probation.

18 **17. VIOLATION OF PROBATION**

19 If respondent violates any term of the probation in any respect, the Board, after
20 giving respondent notice and the opportunity to be heard, may revoke probation and carry out the
21 disciplinary order that was stayed. If a petition to revoke probation is filed against respondent
22 during probation, the Board shall have continuing jurisdiction and the period of probation shall
23 be extended until the matter is final. No petition for modification of penalty shall be considered
24 while there is an accusation or petition to revoke probation or other penalty pending against
25 Respondent.

26 **18. COMPLETION OF PROBATION**

27 Upon successful completion of probation, respondent's license shall be fully
28 restored.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: December 9, 2008.

Original signed by:
CHRISTOPHER MATTHEW SINGLETON
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board.

DATED: December 9, 2008

EDMUND G. BROWN JR.,
Attorney General of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

Original signed by:
MICHAEL S. COCHRANE
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

CHRISTOPHER MATTHEW SINGLETON
13933 Frederick Street, Apt. #A
Moreno Valley, CA 92553

Respondent.

Case No. 1H-2007-659

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by
Respiratory Care Board, as its Decision in this matter.

This Decision shall become effective on February 26, 2009.

It is so ORDERED February 17, 2009.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA